

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Pennsylvania Public Utility
Commission, Bureau of
Transportation and Safety**

**Public Meeting held September 2, 2010
2053309-OSA
Docket No. C-2009-2053309**

v.

WGM Transportation, Inc.

MOTION OF VICE CHAIRMAN TYRONE J. CHRISTY

Before the Commission for consideration and disposition is the Joint Settlement Agreement ("Settlement"), filed on May 4, 2010 by counsel for WGM Transportation, Inc. ("Respondent") and the Commission's Law Bureau Prosecutory Staff ("LBPS") in the instant complaint proceeding. In the Complaint, the Bureau of Transportation and Safety ("BTS") alleged that the Respondent violated 52 Pa. Code §29.313(a) by failing to provide service to an orderly person for lawful purposes.¹ BTS requested that the Commission impose a civil penalty of \$500 based on the following reasons:

That on April 8, 2008, at approximately 10:30 .a.m., Mr. Stephen Woodward was denied service by respondent from his home ... to the Stroudsburg Mall. On April 16, 2008, Officer Phillip C. Jones, Jr. spoke with Mr. Woodward regarding his complaint. Mr. Woodward related to Officer Jones that on March 31, 2008, he called respondent for a taxicab to pick him up at Mr. Z's Supermarket. He had frozen foods at the time and respondent could not provide an approximate time when he would be picked up. He then called another cab company which picked him up wherein he called and cancelled with WGM Transportation. When Mr. Woodward called respondent on April 8, 2008, the respondent stated that he was on a suspension list and that they would not pick him up anymore. Officer Jones had Mr. Woodward contact respondent for a ride to Mr. Z's Supermarket on April 16, 2008. Mr. Woodward used his cell phone, put it on speaker and contacted WGM Transportation. He identified himself as Steven the visually impaired guy, which he has done many times in the past, and he requested a taxicab. Officer Jones heard the dispatcher refuse Mr. Woodward transportation and advise him that he was on the suspension list.

Complaint at ¶ 3. In its Answer, the Respondent admitted that it did not provide service to Mr. Woodward on April 16, 2008. The Respondent averred that Mr. Woodward repeatedly calls for service, but he is either not there when the taxicab arrives or is seen receiving a ride from another carrier. Answer at ¶ 4.

¹ Section 29.313(a) of our regulations provides, "A driver of a call or demand vehicle shall, at all times when on duty and not engaged, furnish trip service on demand to an orderly person for lawful purposes." 52 Pa. Code §29.313(a).

The parties reached a Settlement in which they agreed that the Respondent would pay a civil penalty of \$150 and the Respondent would take appropriate steps to ensure future compliance with the Public Utility Code and the Commission's regulations and orders. Consistent with our policy to encourage parties to reach settlements in order to avoid the time and expense of further litigation, we will approve the Settlement.

We did not arrive at this decision easily. We have carefully considered the effect that the Settlement may have on both the quality of service that Mr. Woodward, and potentially other customers, receive from the Respondent and on the business operations of the Respondent. In the absence of an evidentiary hearing, it is difficult to precisely establish the extent of the Respondent's violations and culpability in this case.

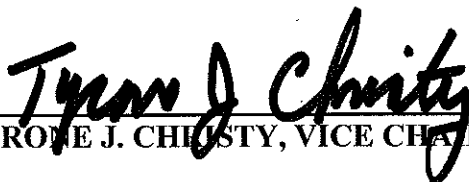
We are concerned about the serious nature of the allegations in the Complaint, particularly that the Respondent refused to provide service to Mr. Woodward on more than one occasion and placed Mr. Woodward on a suspension list. We take such service violations very seriously, and we remind the Respondent that as a call and demand carrier it has a duty to provide service to individuals that behave in an orderly and lawful manner. We believe that given the relative size of the company and the current economic conditions, the penalty of \$150 will serve as a deterrent to prevent the Respondent from engaging in similar practices in the future. Similar future violations may warrant a more significant penalty.

Without an evidentiary hearing, it is difficult to determine all of the factors that may be involved in this proceeding. Nevertheless, we are cognizant of the fact that the Respondent is running a business, and Mr. Woodward's actions may have impacted the Respondent economically. We encourage customers to exercise their best judgment when requesting taxicab service, to follow through with their requests for service, and to be aware of the time and expense involved when a taxicab makes a trip to pick up a customer. If the Respondent is concerned about a particular customer's behavior in the future, we suggest that the Respondent contact BTS to determine an amicable way to resolve the situation.

THEREFORE, I MOVE:

1. That the Settlement filed by WGM Transportation, Inc. and the Law Bureau Prosecutory Staff is approved.
2. That the Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

9-2-10
DATE



TYRONE J. CHRISTY, VICE CHAIRMAN